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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,885	02/06/2004	Albert L. Hankins	29017	7457
7590	09/01/2006		EXAMINER	
Edward A. McConwell, Jr. 5925 Beverly Mission, KS 66202			OLIVA, BRYAN EMELIO	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/773,885	HANKINS ET AL.	
	Examiner Bryan H. Oliva	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities:

- a. Duplication of Page 5 Line 29 and Page 6 Line 1.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "strap attaching structure" of claim 5 must be shown or the feature(s) must be canceled from the claim(s). No new matter should be entered.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing

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date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 12 is objected to because of the following informalities:

- a. Usage of "firth" instead of "forth".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1- 4, 10-13, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,938,336 to King. King discloses the claimed invention comprising a first and second tote bag (30 and 32), each having inner and outer panels (31 and 33). The bag includes a coupling panel (12) with each of the opposed ends coupling the bags (30 and 32) together, by connecting to the inner panels (31) of each bag, and a bag attachment structure (70) securing the bags to each other. In addition, the bag attachment structure (70) is disclosed to utilize any standard fastener known in

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the art, including fabric hook and loop fasteners. One portion (69) is connected to the first bag (30) and the other portion (71) is connected to the second bag (32). Either portion would consist of hook material while the other would consist of loop material. Furthermore, coupling panel (12) has two strips of hook and loop material (80), in which a half of the strip has hook material with the other having loop material. Moreover, King discloses a first shoulder strap (64) attached to the first tote bag (30) and a second shoulder strap (66) attached to the second tote bag (32).

7. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,989,172 to Norinsky. Norinsky discloses the claimed invention comprising a first and second tote bag (22 and 23), each having inner and outer panels (30 and 24). The bag includes a coupling panel (40) with each of the opposed ends coupling the bags (22 and 23) together, by connecting to the inner panels (30) of each bag, and a bag attachment structure (41 and 42) securing the bags to each other. The bag further includes a first handle (19) attached to the first bag (22) and a second handle (20) attached to the second bag (23).

#### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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9. Claims 5, 6, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of U.S. Patent 5,630,536 to Bugnaski. King discloses the claimed invention, but does not disclose the use of a strap attaching structure. However, Bugnaski discloses the use of a strap attaching structure (15) for the purpose of forming a single shoulder strap (Column 3, Lines 39-44). Hook or loop material is fastened to the left strap (6) via fasteners (15c) as shown in Figure 3, with the other of the hook or loop material fastened to the right strap (6) as a strip (15e). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to connect the shoulder straps of King, with a strap attaching structure as taught by Bugnaski, in order to combine two straps into a unitary strap for the purpose of carrying over one shoulder.

10. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norinsky in view of U.S. Patent Application Publication 2002/0033612 A1 to Snider et al. Norinsky discloses the claimed invention but does not disclose a handle attaching structure comprising hook and loop material. However, Snider et al. teaches the use of hook and loop fasteners to form a single handle (Paragraph 0017). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bag of Norinsky with the handle attaching structure as taught by Snider et al. in order to create a unitary handle.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Norinsky. King discloses the claimed invention but does not disclose the use of handles in combination with shoulder straps. However, Norinsky discloses the use of

straps in addition to handles as another means to support the bag over one's shoulders (Column 5, Lines 4-8). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bag of King with the combination of handles and straps, as taught by Norinsky, in order to provide alternative methods for carrying the bag.

12. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over King in view of Norinsky as applied to claim 16 above, and further in view of Snider et al. King and Norinsky combined disclose the claimed invention but do not disclose a handle attaching structure comprising hook and loop material. However, Snider et al. teaches the use of hook and loop fasteners to form a single handle (Paragraph 0017). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the combined bag of King and Norinsky with the handle attaching structure as taught by Snider et al. in order to create a unitary handle.

### ***Conclusion***

13. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F.R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear issue

requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan H. Oliva whose telephone number is (571) 272-8991. The examiner can normally be reached on Monday - Friday 8:00 AM to 5:00 PM with alternate Fridays off.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JES F. PASCUA  
PRIMARY EXAMINER

BHO